

Lieutenant Benedict J. Thomas

End of Watch: Friday, June 9, 1989



FHP to boost enforcement of 'move-over law'

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Being shot at by a criminal might seem to be the biggest fear of any law enforcement officer.

But Florida Highway Patrol Trooper Todd Bergman of Bradenton says he is more worried when conducting even the simplest of traffic stops.

"What I probably fear the most is to be hit by a car, more so than getting shot," Bergman said.

Florida lawmakers in 2002 passed a law to increase the safety of officers, medical personnel and tow truck drivers by forcing drivers to move over one lane or slow down significantly when passing emergency workers.

Few drivers know of the "move-over law," and enforcement to date has been light.

But starting today, FHP is embarking on a concerted effort to crack down on violators of the law in an initiative that will run until Sept. 7.

Drivers ticketed for the violation will receive \$166 fines and be assessed three points on their drivers licenses.

The movement is being sparked by a spate of deaths across the country and a lack of awareness about Florida's law and others like it. All but four states have similar rules on the books.

More than 150 law enforcement officers nationwide have been killed by passing drivers while performing their duties on the highways in the past decade, the FHP said.

In 1989, FHP trooper B.J. Thomas was killed when he was struck during a traffic stop on Interstate 75 in Hillsborough County.

Many more officers, including Bergman of Bradenton, have been injured when struck while pulled over on traffic stops or calls to assist motorists, FHP said.

On July 11th, 2002, Bergman was injured when he was struck by a vehicle on a wet, rainy day while helping drivers on I-75.

Now 39, Bergman suffered several broken ribs and multiple cuts, and had to receive 45 stitches in his head. He was standing on the grassy median when he was hit and thrown into the opposite lane of traffic.

"There is a lot that the motoring public can do to help us with their driving and let us do our business," Bergman said at an FHP press conference to announce the move-over crackdown Friday.

The driver who hit Bergman slid into the median and knocked the officer 83 feet into the traffic lane, where he was nearly struck again.

Under Florida's law, drivers must change lanes away from the emergency situation when approaching a patrol car, emergency vehicle or tow truck that is stopped on the side of the road with lights flashing. If there is no viable lane to move into, the drivers must slow down to a speed of 20 mph below the posted speed limit.

School Bus Safety In Question Computers Find Faults In Many Dade Vehicles Published on Wednesday, March 11, 1987, in the Orlando Sentinel

An inspection that found many safety problems among Dade County's school buses is raising statewide questions about the safety of the buses that carry 1 million Florida children to and from school each day.

Initial tests of 90 publicly owned Dade buses and 51 that are privately owned showed many had problems ranging from faulty headlights to bad brakes and poor steering. Dade has 2,000 buses.

Sixty percent of Dade County's privately owned school buses and 19 percent of county-owned buses that were initially tested in the \$195,000 pilot program failed the inspection.

House Majority Leader Ron Silver, D-North Miami Beach, wants the computerized program used to test Florida's estimated 10,000 school buses. More than 755,354 children travel on the publicly owned buses daily and about 200,000 use the 3,000 privately owned buses.

Silver said that even if 5 percent of the Dade County buses had failed the tests in the pilot program, the figures would still be alarming.

"Accidents are going to happen under the best circumstances, but parents should know an accident is not going to be caused by failure of the equipment," Silver said.

School buses are inspected annually by the Florida Highway Patrol. Troopers test brakes, for example, by merely hitting them and seeing if they work, but the computerized system precisely measures brake pressure by driving the bus over spinning cogs.

The computerized inspections -- a one-lane series of checkpoints testing emissions, braking power, tire alignment and headlight balance that also has hydraulically powered "shaker plates" -- started in January.

One bus tested Tuesday had bad brakes and was ruled unsafe for transporting children. It was taken out of service while repairs are made.

Silver also thinks the computer system could be adapted for automobiles if the Legislature decides to reinstate annual car inspections. They were stopped in 1981.

Results of the Dade testing showed that private buses were in worse shape than public ones. Ten of the 90 public buses had steering problems, while 13 of 51 private buses had similar problems.

Highway Patrol Lt. B. J. Thomas said that in 1986 there were 12,054 inspections of Florida's public school buses -- 4,537 were rejected and 691 were declared unsafe. He said 5,906 inspections of private buses resulted in 2,902 being rejected. Figures were not available for the number of private buses declared unsafe, Thomas said.

A bus is rejected if inspections reveal a cracked windshield, torn seats or another defect unrelated to safe operation. An unsafe finding has to do mostly with tires, brakes and steering.

Testing of the pilot program comes as concern about school bus safety is increasing. Fifteen children were injured last week in Jacksonville when a school bus hit a tree.

State Sen. Curtis Peterson, D-Lakeland, said this week that more than 2,000 public school buses in Florida are more than 10 years old, and it could cost as much as \$65 million to replace them. He wants some of Florida's lottery profits to be spent on replacing buses.

In 1977, improved federal standards for school buses required stronger rollover protection, joint stability and high padded seats.

"We need to get the pre-1977s off the road as soon as possible," said Bill Schroyer, a transportation specialist with the state Department of Education. "They are definitely not as safe as the post-1977s in accident situations."

Making Mockeries Of Signs Of The Times

Published on Tuesday, October 21, 1986, in the New York Times

NEW YORK — Those bright yellow "Mother-in-Law in Trunk" signs may soon go the way of the pet rock. At least that is the opinion -- and fervent desire -- of Michael Lerner, the unwitting father of this country's latest fad.

Lerner, a 32-year-old businessman from Brookline, Mass., has sold millions of "Baby on Board!" and "Child on Board!" signs to safety-conscious parents around the nation during the last two years. The five-inch diamond-shaped signs, usually placed in a corner of the rear windshield with a suction cup, are intended to ask drivers in the vicinity to be more cautious than usual.

Much to Lerner's dismay, however, the popularity of his signs has incited a national craze for humorous imitations. Today, millions of car windows display bright yellow five-inch diamond signs that offer such messages as "Nobody on Board!" "Baby Driving!" and "Baby Carries No Cash."

Lerner is not amused by the parodies, he said, because they mock a serious effort to achieve safer roads.

"Our concept was to really improve driver awareness of child safety," he said. "Car accidents are the number one cause of child deaths in the United States."

There have been rumors that Lerner first developed the "Baby on Board!" idea after losing a child in an accident. But Lerner, a childless bachelor (but a "proud uncle") who made a fortune in real estate while in his 20s, heard about the signs from an associate who had seen them in Europe.

As Lerner quickly discovered, there was -- and still is -- a great demand for the signs in the United States. His company, Safety 1st Inc. of Newton, Mass., has sold approximately 3 million "Baby on Board!" and "Child on Board!" signs so far. They generally cost \$1.95 each and are available at major national retailers such as Sears.

Lerner declined to reveal the annual profits of Safety 1st, a privately held company he created in 1984 with a \$65,000 investment. But he did say that the company, which markets a dozen child-oriented safety products, has annual revenues in the millions.

The imitations of Lerner's signs are also proving to be big business. Howard Lorsch, president of H&L Enterprises of El Cajon, Calif., reported that his company is selling 2 to 3 million each month.

But not everyone is amused by those now-ubiquitous parodies. The signs have recently drawn criticism from safety officials, who say they pose a hazard. This summer, for example, the New York-based Insurance Information Institute released a statement calling for drivers to remove the parodies from their rear windshields -- and also the serious signs -- because they say the signs increase the possibility of automobile accidents.

"There is a problem in that they reduce vision and they create another blind spot," said Harvey Seymour, an institute spokesman. He said he believes that the signs may have been responsible for some of the 33 million motor vehicle accidents in the country last year. He stressed, however, that he has no direct evidence to support that assumption.

"We have enough problems holding the line on accidents without people putting these signs on their cars," Seymour said.

Even some politicians have jumped aboard this anti-sign campaign. State Assemblyman John C. Dearie recently held a press conference to call attention to the signs.

Dearie likes Lerner's serious signs, he said, but believes the parodies should be banned. A study conducted by Dearie's office found that there are a total of 4 million signs on cars in the New York metropolitan area, with the humorous outnumbering the serious by a ratio of five to one. "The bottom line of it," he said, "is that the original signs had a clear, meaningful purpose. We ought not to dilute that program with these frivolous signs."

Other states, including Georgia, Maryland, Hawaii, Virginia and Nebraska, also have initiated efforts to have the signs removed. In Maryland the attorney general's office this summer issued a directive to local police agencies encouraging them to inform drivers that the signs violate state law. According to Florida Highway Patrol spokesman Lt. B.J. Thomas, drivers "technically could be cited under a certain section that says nothing that is not transparent can be placed in the back window."

While there is little chance drivers would be pulled over for having one of the signs, Thomas said they could be cited if they were in an accident or were stopped for another offense.

Spokesmen for the state Department of Transportation and the Department of Motor Vehicles noted there was a potential hazard with the signs but that no legislation has been introduced and none is planned.

Despite the negative publicity, of course, the fate of the sign fad ultimately remains in the control of the consumer.

"I think the novelty signs are the kinds of things that are here today but gone tomorrow," Lerner said.

The parodies will be completely "phased-out" in the next few months, Lerner predicted. But the original "Baby on Board!" signs should continue to do well, he said, because they appeal to another type of buyer.

"We're here for a different reason," he said. "Concerned parents, sons and daughters or grandparents buy our product for safety reasons."

Surveys: Drivers Buckle Up New Seat Belt Law Marks First Month Published on Sunday, August 3, 1986, in the Sun-Sentinel

Florida's mandatory seat belt law was one month old Thursday, and to hear Lt. B.J. Thomas tell it, most drivers would be happy to help it celebrate its birthday.

Thomas, public information officer for the Florida Highway Patrol, has handed out more than a few warnings to beltless drivers himself, and even those who receive the warnings are responding well to the law, he said.

"People have been very positive about it," he said. "A lot of times they're just in a hurry and it's a new law and it slips their minds. It takes some time for people to get used to a new law."

By the beginning of September, the Highway Patrol and other official agencies should have a better idea of how many people have become used to the new law. The Bureau of Public Safety Management is planning a scientific survey for sometime around Labor Day.

But informal surveys already support Thomas' claim of public acceptance.

The first post-law survey taken was a joint effort by the American Automobile Association and the state Bureau of Public Safety Management on July 1, the day seat-belt use went into effect. The survey, which monitored motorists at 10 sites throughout the state, none in Broward County, found that 52.7 percent of drivers were wearing seat belts.

That percentage was a significant increase from two surveys taken before the law became effective. In mid-April, AAA found only 28.7 percent of drivers strapped in. And a Fort Lauderdale News and Sun-Sentinel visual survey conducted just before the law went into effect showed 30 percent buckling up.

But the July 1 numbers might have fallen off a bit since then, according to William Dodd, traffic safety manager at AAA.

“My guess is that the rate back then (on July 1) might be a little bit higher than it is now,” Dodd said. “We might have lost those people who just wore it on the first day because it was the new law.”

A second visual survey taken by the News and Sun-Sentinel lends credence to that theory. The survey monitored a total of 300 motorists on Andrews Avenue at Las Olas Boulevard in Fort Lauderdale, on State Road 84 in Davie and on University Drive in Plantation and found that 46.3 percent of drivers were using seat belts.

Those results are still a strong improvement over the findings of the two pre-law surveys. Dodd expects the improvement to continue, “especially when the enforcement goes into effect next year,” he said.

Jan. 1 is D-Day for motorists who still refuse to buckle up. Until then, those who are caught will get warnings. After Jan. 1, though, the penalty is a \$20 fine.

Lt. Jim Lee of the Florida Highway Patrol estimated that 3,350 warnings had been issued in Broward County during July, an average of four warnings during each officer's eight-hour shift.

The warnings are designed to help ease drivers into compliance with the new law. In the same spirit, the Broward County Office of Highway Safety will try to promote seat belt use through education. Its primary focus will be on children between the ages of 6 and 18, only 9.5 percent of whom wear seat belts, said Lee Williams, public information coordinator at the highway safety office.

“Seat belts are considered not cool,” she said. “I say, ‘Which is more cool -- to be dead or alive?’”

School Bus Crackdown Gains Support
Published on Sunday, April 10, 1986, in the Sun-Sentinel

In Florida`s largest school district, 60 percent of school buses recently flunked routine safety inspections, with 14 percent judged ``too dangerous`` to be allowed on the road.

Balding tires and other defects found in a majority of the 586 Dade County buses in January prompted public school officials there to call for a weekend of emergency inspections.

Already aware of similar incidents in other counties, one Dade legislator is calling for a statewide remedy.

On Wednesday, a bill that would impose tougher inspection standards on all publicly and privately owned school buses -- and add new training and licensing requirements for drivers -- unanimously passed the Senate Transportation Committee.

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Sponsored by Sen. Gwen Margolis, D-North Miami, the bill (SB 42) now goes to the Senate Appropriations Committee. Supported around the state by various school boards and education organizations, her proposal already has passed the Senate Education Committee.

``In Dade two months ago, 60 percent of the buses had faulty equipment,`` Margolis told the committee. ``We had a major accident . . . and (media) pictures of bald tires and kids going to the hospital.``

Drivers` qualifications also are important, said Margolis, explaining that under the proposal, training would be required in order to obtain a new license to drive a school bus.

SCHOOL BUS ACCIDENTS

Following is a list of accidents, accidents with fatalities and injuries only involving private and public school buses during 1984 in South Florida and statewide.

County	Total acc.	With deaths	injuries only
Broward	52	0	27
Palm Beach	45	0	30
Dade	139	1	63
State	651	6	364

Source: Florida Department of Highway Safety and Motor Vehicles.

Committee Chairman Jack Gordon, D-Miami Beach, offered support for the bill and suggested prospective drivers also should be trained to inspect tires.

Despite current regulations requiring school systems to inspect vehicles monthly and have them inspected annually by representatives of the Florida Highway Patrol, many believe too many buses slip through the cracks.

Lt. B.J. Thomas, highway patrol school bus inspection coordinator, said the agency made about 21,000 inspections and reinspections during 1985. While more than half of the buses failed in some categories, statistics until this year were unavailable on how many would be considered dangerous.

For example, 2,306 of the 4,681 non-public school buses failed initial inspections in 1985, while 4,001 of the 11,083 public school buses had to return for a second look.

“Most are minor . . . like a broken tail light,” Thomas said. “But we didn’t keep any statistics on how many were grounded.”

Statistics this year, however, indicate 35 percent of buses inspected are rejected and 4 percent are unsafe because of such violations as bald tires, faulty brakes or leaking exhaust systems.

Records do not indicate how many accidents have been caused by faulty equipment or unqualified drivers. But in 1984, the state Department of Highway Safety and Motor Vehicles counted 651 accidents involving school buses, more than half of them involving injuries, and six of them taking the life of at least one person.

Broward and Palm Beach counties had no fatalities in 1984, but more than half of the school bus accidents -- 45 in Palm Beach and 52 in Broward -- involved injuries. Injuries also were recorded in Dade, where one accident involved at least one death.

The proposal would:

Mandate that the state Board of Education establish a uniform plan of inspection, maintenance and repair on all school transportation equipment. Current laws require only that each individual school board have a specific plan, including monthly inspections.

Require buses to meet both the tougher standards set by the National Highway Traffic Safety Administration and the national minimum standards set for school buses.

Set new qualifications requiring vehicle operators to be at least 18 years old, complete a seven-hour NHTSA driver training course and obtain a special license in addition to the chauffeur’s license currently needed.

Extend inspections to include any “for hire” buses transporting students to public and private schools, nursery schools and day care centers on a regular basis.